

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

In re:

KEVIN G. MATHEWS  
Debtor

BK-16-11692  
CHAPTER 13

MOTION TO DISMISS

John Boyajian, Trustee in the above-entitled matter, moves this Court to dismiss the within Chapter 13 proceeding.

The Debtor's Chapter 13 petition was filed on September 29, 2016, and the Chapter 13 Plan was confirmed on August 11, 2017. The confirmed Chapter 13 Plan requires that in addition to pre-confirmation payments, the Debtor is to pay to the Trustee \$2,450.00 per month for 50 months. To date, the Debtor should have paid a total of \$115,374.33 but only \$98,224.33 has been paid. The debtor is currently in arrears in the amount of \$17,150.00. The failure of the Debtor to maintain payments as described above is a material default under the plan.

Because of the Debtor's material default and pursuant to 11 U.S.C. §1307(c)(6), the Trustee moves that the within Chapter 13 petition be dismissed.

/s/ John Boyajian  
John Boyajian, Trustee  
400 Westminster Street, Ste 54  
Providence, RI 02903  
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Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATION

I hereby certify that a copy of the within Motion to Dismiss was mailed, postage prepaid, to Kevin Mathews, 51 Outlook Ave., E. Providence, RI 02914 and electronically mailed to Christopher Lefebvre, Esq. at [court@lefebrelaw.com](mailto:court@lefebrelaw.com) on January 11, 2021.

/s/Martha Hunt